

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated October 13, 2005. Claims 1-3, 6 and 7 are amended. Claims 4 and 5 are canceled. Claims 1-3, 6 and 7 are pending.

Claims 1-7 are rejected under the doctrine of obviousness-type double patenting in view of claims 1-3 of U.S. Patent 6,872,908. While the Applicant does not necessarily agree with the Examiner's characterization of the pending claims or the characterization of the claims in U.S. Patent 6,872,908, to facilitate prosecution on the merits, Applicant submits herewith a terminal disclaimer in compliance with 37 C.F.R. 1.321(c).

Claims 1-7 are provisionally rejected under the doctrine of obviousness-type double patenting in view of claims 1-9 of U.S. Patent Publication 2003/0071260. While the Applicant does not necessarily agree with the Examiner's characterization of the pending claims or the characterization of the claims in U.S. Patent Publication 2003/0071260, to facilitate prosecution on the merits, Applicant submits herewith a terminal disclaimer in compliance with 37 C.F.R. 1.321(c).

Claims 1-7 are provisionally rejected under the doctrine of obviousness-type double patenting in view of claims 1-5 of U.S. Patent Publication 2004/0011287. While the Applicant does not necessarily agree with the Examiner's characterization of the pending claims or the characterization of the claims in U.S. Patent Publication 2004/0011287, to facilitate prosecution on the merits, Applicant submits herewith a terminal disclaimer in compliance with 37 C.F.R. 1.321(c).

Claims 1-3 and 6 are rejected under 35 U.S.C. §102 as being unpatentable over U.S. Patent Publication 2002/0006678 to Inazumachi et al. ("Inazumachi"). Independent claims 1 and 6 both recite a power supplying terminal made of an aluminum-nitride-tantalum-nitride-composite-sintered member. The susceptor discussed in Inazumachi simply does not include tantalum-nitride - as is claimed. The Office Action points to paragraph 68 of Inazumachi as showing the above limitation. However, there is no discussion in this section of Inazumachi that feeding terminal 4 is made of tantalum-nitride.

Applicant notes that it would not have been obvious to modify the Inazumachi reference to produce the claimed invention as the invention recites a ceramic (tantalum-nitride) and the

tantalum discussed in Inazumachi is a metal. The use of tantalum-nitride yields a non-obvious result with respect to durability under high temperature and oxidizing conditions - as is discussed at, for example page 27, line 5 - to page 28, line 20 of the specification.

To further distinguish the invention over Inazumachi, Applicant has amended claims 1 and 6 to recite that the power supplying terminal contains 50 to 98 weight percent of tantalum-nitride. Clearly, as there is no discussion of tantalum-nitride for feeding terminal 4 in Inazumachi, there is similarly no discussion of this particular range of weight percentage as is claimed.

Therefore, it is asserted that independent claims 1 and 6 are patentable over Inazumachi. Dependent claims 2 and 3 are dependent upon independent claim 1 and include additional recitations which, when combined with the limitations of claim 1, are also neither disclosed nor suggested in Inazumachi. It is asserted that these claims are patentable as well. Reconsideration of the rejection of claims 1-3 and 6 under 35 U.S.C. §102 is respectfully requested in light of the remarks above.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on February 13, 2006:

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Name of applicant, assignee or
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February 13, 2006

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Respectfully submitted,

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